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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,767	01/10/2001	Steven D. Curtin	Curtin 17	6483
24998	7590	07/26/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L STREET NW WASHINGTON, DC 20037-1526			HOLMES, MICHAEL B	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/756,767	Applicant(s) CURTIN, STEVEN D.	
	Examiner Michael B. Holmes	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-24, 26-30 and 32 is/are rejected.
- 7) ☒ Claim(s) 7, 25 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 32, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |



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**Examiner's Detailed Office Action**

1. This Office Action is responsive to application **09/756,767**, filed **January 10, 2001**.
2. **Claims 1-32** have been examined.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

**(e) the invention was described in a patent** granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 1-6, 8-24, 26-30 & 32 are rejected under 35 U.S.C. 102(e) as being anticipated by *Gupta et al.* (USPN 6,622,171 B2).

Regarding claim 1: *Gupta et al.* describes an audio transmission method (Fig. 1; C 3, L 06-67) comprising: (a) receiving digital audio information from a plurality of client sources at a server location (Fig. 1; C 3, L 06-67); (b) combining said received digital audio information to form combined digital audio signal (Fig. 1; C 3, L 06-67); and (c) transmitting said combined digital audio signal to said client sources (Fig. 1; C 3, L 06-67); wherein steps (a), (b) and (c) are performed in near real time. (C 1, Line 33-39 *Examiner's Note*: A typical example illustrating the use of streaming format technology is a live Internet concert, in which audio and video equipment at the performance site produce signals that are converted into a digital format in real-time or *near-real-time* (or are already in a digital format if digital camera equipment is used), and the digital content is converted into an appropriate streaming format and broadcast to a large audience accessing the concert via an Internet Web page. In addition to concerts, streaming technology is presently used for broadcasting other types of live events, including presentations, and thus are well known in the art.)

Regarding claim 10: *Gupta et al.* describes an audio transmission method (Fig. 1; C 3, L 06-67) comprising: transmitting first digital audio information from a client source to a digital transmission system (Fig. 1; C 3, L 06-67); receiving second digital audio information at said client source from said digital transmission system, said second digital audio information including said first digital audio information from said client source and additional digital audio information from at least one other client source, said transmitting and receiving operations being per-

formed in near real time. (Fig. 1; C 3, L 06-67)

Regarding claim 19: *Gupta et al.* describes an apparatus (Fig. 2; C 4, L 37-41) for handling audio information (C 3, L 06-67) comprising: a receiver for receiving compressed digital audio information from a plurality of client sources over a digital network (C 7, L 18-20); a signal combiner which decompresses said compressed audio signal information and combines received digital decompressed audio information from said plurality of client sources into a combined compressed digital audio signal (C 7, L 62-C 8, L 19); and a transmitter for transmitting said combined compressed digital audio signal to said client sources over said digital network, wherein said receiver, signal combiner and transmitter operate in near real time. (C 1, L 40-48; Fig. 3; C 7, L 38-50 *Examiner's Note: Transmitters* can be a standard network interface card, a transceiver, a medium access unit, or any other device capable of transmitting multimedia data over a network, and thus are well known in the art.)

Regarding claim 26: *Gupta et al.* describes an apparatus (Fig. 2; C 4, L 37-41) for handling audio information comprising: a transmitter for transmitting compressed first compressed digital audio information from a client source to a digital transmission system (C 1, L 40-48; Fig. 3; C 7, L 38-50 *Examiner's Note: Transmitters* can be a standard network interface card, a transceiver, a medium access unit, or any other device capable of transmitting multimedia data over a network, and thus are well known in the art.); a receiver for receiving second compressed digital audio information from said digital transmission system, (Fig 1; C 1, L 33-39) said second compressed digital audio information including said first audio information transmittal from said client

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source and additional digital audio information from at least one other client source, said transmitter and receiver operating in near real time. (Fig 1; C 1, L 33-39)

Regarding claim 2: *Gupta et al.* describes wherein said combining and transmitting operations further comprise: concatenation of said audio information received from said plurality of client sources and transmitting said concatenated audio information to said client sources.

(Official Notice is taken concatenations i.e., strings of data and transmitted as a group is well known in the art)

Regarding claim 3: *Gupta et al.* describes a method as in claim 1 wherein said combining and transmitting operations further comprise: mixing said received digital audio information at said server location and transmitting said mixed digital audio information to said client sources.

(Fig. 1; C 3, L 06-21)

Regarding claim 4: *Gupta et al.* describes a method as in claim 1 wherein said digital audio information is received from the Internet and said transmitting of said combined audio information is an Internet transmission. (Fig. 1; C 3, L 06-14)

Regarding claim 5: *Gupta et al.* describes a method as in claim 3 further comprising compensating said received digital audio information for transmission time delays before performing said mixing. (C 2, L 01-16)

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Regarding claim 6: *Gupta et al.* describes a method as in claim 5 wherein each received digital audio information is compensated for a transmission delay between its associated client source and said server location. (C 2, L 17-21)

Regarding claim 8: *Gupta et al.* describes a method as in claim 1 wherein said received digital audio information is in a compressed audio signal format. (C 6, L 29-38)

Regarding claim 9: *Gupta et al.* describes a method as in claim 1 wherein said combined digital audio information is in a compressed audio signal format. (C 6, L 49-62)

Regarding claim 11: *Gupta et al.* describes a method as in claim 10 wherein said second digital audio information is concentrated digital audio information which includes said first digital audio information from said client source and said additional digital audio information. (C 3, L 58-64)

Regarding claim 12: *Gupta et al.* describes a method as in claim 11 further comprising linearly mixing at said client source said concentrated digital audio information. (C 7, L 18-20)

Regarding claim 13: *Gupta et al.* describes a method as in claim 12 further comprising playing said linearly mixed digital audio information at said client source location. (C 7, L 18-20)

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Regarding claim 14: *Gupta et al.* describes a method as in claim 10 wherein said second digital audio information is a mix of audio information contained in said first digital audio information with other audio information. (C 3, L 58-64)

Regarding claim 15: *Gupta et al.* describes a method as in claim 14 wherein said other audio information is audio information from at least one other client source. (C 6, L 22-28)

Regarding claim 16: *Gupta et al.* describes a method as in claim 14 further comprising playing said second digital audio information at said client source location. (C 6, L 22-28)

Regarding claim 17: *Gupta et al.* describes a method as in claim 10 wherein said first digital audio information is in a compressed audio signal format. (C 4, L 01-05)

Regarding claim 18: *Gupta et al.* describes a method as in claim 10 wherein said second digital audio information is in a compressed audio signal format. (C 4, L 01-05)

Regarding claim 20: *Gupta et al.* describes an apparatus as in claim 19 wherein said signal combiner concentrates received digital audio information from said plurality of client sources to form said combined digital audio signal. (Fig. 8; C 11, L 19-43)



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Regarding claim 21: *Gupta et al.* describes an apparatus as in claim 19 wherein said signal combiner mixes received digital audio information to form said combined digital audio signal. (Fig. 8; C 11, L 19-43)

Regarding claim 22: *Gupta et al.* describes an apparatus as in claim 19 wherein said digital network includes the Internet. (Fig. 1; C 3, L 06-14)

Regarding claim 23: *Gupta et al.* describes an apparatus as in claim 19 further comprising a variable delay system for compensating said received digital audio information for transmission time delays. (Fig. 5; C 9, L 38-42)

Regarding claim 24: *Gupta et al.* describes an apparatus as in claim 22 wherein said variable delay system comprises a respective delay element for each said received digital audio information. (Fig. 5; C 9, L 38-42)

Regarding claim 27: *Gupta et al.* describes an apparatus as in claim 26 further comprising a mixer at said client source for mixing said first digital audio information, and said additional digital audio information to produce mixed digital audio information. (Fig. 8; C 11, L 19-26)

Regarding claim 28: *Gupta et al.* describes an apparatus as in claim 27 further comprising an audio playback device for playing said mixed digital audio information at said client source location. (Abstract)

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Regarding claim 29: *Gupta et al.* describes an apparatus as in claim 26 further comprising a decoder for decompressing said second compressed digital audio information and providing a decompressed audio signal. (C 7, L 62 to C 8, L 03)

Regarding claim 30: *Gupta et al.* describes an apparatus as in claim 27 further comprising a decoder for decompressing said second compressed digital audio information, said mixer mixing audio signals at the output of said decoder to provide a mixed decompressed audio signal. (C 7, L 62 to C 8, L 03)

Regarding claim 32: *Gupta et al.* describes an apparatus as in claim 30 further comprising an audio reproduction circuit for playing said mixed decompressed audio signal. (C 7, L 62 to C 8, L 03)

### Claim Objection(s)

6. Claims 7, 25, & 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Conclusion

7. The prior art made of record and (listed of form **PTO-892**) not relied upon is considered pertinent to applicant's disclosure as follows. Applicant or applicant's representative is respect-

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fully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant's representative must clearly show how the amendments avoid or overcome such references and objections. *See 37 CFR § 1.111(c).*

### Correspondence Information

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-7240**. If any attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Anthony Knight**, may be reached at **(703) 308-3179**.

Any response to this office action should be mailed too:

**Director of Patents and Trademarks Washington, D.C. 20231**. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of **Crystal Park II, 2121 Crystal Drive Arlington, Virginia**.

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***Michael B. Holmes***

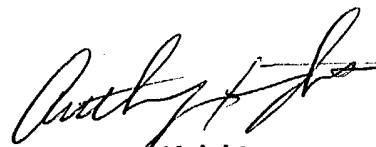
Patent Examiner

Artificial Intelligence

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United States Department of Commerce

Patent & Trademark Office

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Anthony Knight  
Supervisory Patent Examiner  
Group 3600